

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 SUMIT GARG,

14 Defendant.

CASE NO. CR21-0045-JCC

ORDER

15 This matter comes before the Court on Defendant's Unopposed Motion to Continue Trial
16 and Pretrial Deadlines (Dkt. No. 78). Having thoroughly considered Defendant's motion and the
17 relevant record, the Court GRANTS the motion for the reasons explained below.

18 Trial in this matter is currently set for January 10, 2022, with pretrial motions due
19 December 2, 2021. (Dkt. No. 49.) Defendant's counsel, Mr. Camiel, was appointed to represent
20 Defendant on September 7, 2021, following the withdrawal of Defendant's prior counsel. (Dkt.
21 Nos. 70, 72.) Defendant seeks a continuance of the trial date to "no sooner than late May 2022"
22 and a continuance of the pretrial motions deadline to 60 days before trial. (Dkt. No. 78 at 1.) Per
23 Defendant, a continuance is needed to provide sufficient time to review and analyze voluminous
24 discovery, accommodate defense counsel's existing trial schedule, and ensure that new counsel
25 has time to adequately prepare a defense. (*Id.* at 2–3.) The Government does not oppose his
26 requested continuance. (*Id.* at 1.) Defendant has executed a speedy trial waiver. (Dkt. No. 79.)

1 Based on the foregoing, the Court FINDS as follows:

2 1. Taking into account the exercise of due diligence, a failure to grant a continuance
3 in this case would deny defense counsel reasonable time necessary for effective preparation due
4 to counsel's need for more time to review the evidence, conduct investigation, consider possible
5 defenses, and gather evidence material to the defense, as set forth in 18 U.S.C.
6 § 3161(h)(7)(B)(iv);

7 2. Failure to grant a continuance would likely result in the miscarriage of justice, as
8 set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

9 3. The additional time requested is a reasonable period of delay, as defendants
10 requested more time to prepare for trial, investigate the matter, review additional new discovery,
11 gather evidence material to the defense, and consider possible defenses;

12 4. The ends of justice will best be served by a continuance, and the ends of justice
13 outweigh the best interests of the public and Defendants in any speedier trial, as set forth in 18
14 U.S.C. § 3161(h)(7)(A); and

15 6. The additional time requested between the current trial date of January 10, 2022,
16 and the new trial date is necessary to provide defense counsel reasonable time to prepare for trial
17 considering counsel's schedule and the facts set forth above.

18 Accordingly, Defendant's Unopposed Motion (Dkt. No. 78) is GRANTED. It is therefore
19 ORDERED that the trial date be CONTINUED from January 10 2022 to June 13, 2022, and that
20 the time between the filing of this motion to continue and the new trial date is excludable time
21 under the Speedy Trial Act, as provided in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and
22 3161(h)(7)(B)(iv). Any pretrial motions shall be filed no later than April 14, 2022.

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1 DATED this 15th day of September 2021.
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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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